

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

Bail Appl.No. 7352 of 2006()

CC.2591/2001 of J.M.F.C.-II, ERNAKULAM
Crime No.42/2001 of Cheranelloor Police Station
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PETITIONER/ACCUSED

SARATH BABU, AGED 42 YEARS,
S/O.DIVAKARAN, CHANGARAN HOSUE,
VADANAPPALLI DESOM, VADANAPPALLI VILLAGE,
THRISSUR DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT: COMPLAINANT

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKUAM,
REPRESENTED BY SUB INSPECTOR OF POLICE,
CHERANELLOOR POLICE STATION.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12/12/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. Ramkumar, J.
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B.A. No.7352 of 2006

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Dated this the 12th day of December, 2006.

ORDER

Petitioner, who is the first accused in Crime No.42 of 2001 of Cheranelloor Police Station for offences punishable under Sections 188 and 379 read with Section 34 I.P.C., seeks anticipatory bail.

2. Admittedly, consequent on the non-appearance of the petitioner in C.C.No.2591 of 2001 on the file of the J.F.C.M., Ernakulam, non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within 10 days from today, the same shall be considered and disposed of preferably on the same day on which it is filed after

examining the explanation offered by the petitioner for his previous non-appearance.

With this direction, this petition is dismissed.

V. Ramkumar,
Judge.